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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/050,627	01/16/2002	Meng-Shin Yen	39524.0900	6463

20322 7590 04/19/2005

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EXAMINER

HINDI, NABIL Z

ART UNIT

PAPER NUMBER

2655

DATE MAILED: 04/19/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

10/050,627

Applicant(s)

YEN ET AL.

Examiner

NABIL Z HINDI

Art Unit

2655

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 10 March 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-6,8-13 and 15-25 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-6,8-13,15-22 and 25 is/are rejected.
- 7) ☒ Claim(s) 23 and 24 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

In response to applicant's amendment dated March 10 2005. The following action is taken:

The claims are rejected for the same reasons set forth in the previous office action repeated herein for applicant's convenience.

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-6, 8-13, 15-22 and 25 are rejected under 35 U.S.C. 103(a) as being unpatentable over the admitted prior art in view of Ikeda et al (6067284).

The claims are merely drawn to the relocation of the PCA within the lead out area as opposed to the lead-in area of the disk. The admitted prior art discloses the use of an optical disk having a PCA calibration area based on the Orange Book standard.

However the admitted prior art does not disclose the use of having the PCA within the lead-out area of the disk. The secondary reference discloses the use of optimizing the laser output during a test recording within the lead-in or the lead-out area of the disk as shown in fig 17-18B and column 18 lines 1-8. It would have been obvious to one of ordinary skilled in the art at the time the invention was made to calibrate the laser output by test recoding on the lead-in area of the disk. Such modification is merely a relocation of test recording area as shown by the alternative test recording on either area of the

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disk by the secondary reference. Thus it would have been obvious to one skilled in the art to optimize the test recording on the disk by either alternative area on the disk.

Regarding the newly added limitation in claim 8 and the newly added claim 22. The secondary reference discloses calibrating the laser power in the inner or the outer area of the disk. Therefore, the determination is based on a "specific data" in order to determine whether to calibrate in the inner or outer area of a disk, it must be inherently specified based on certain data. The claims do not specifically recite what is the "specific data" as cited in the objected dependent claim thus such limitation is inherently present.

With respect to the limitations of the dependent claims 4-6, 9-13, 16-21 and 25. The primary reference (prior art) discloses the use of inner area as the PCA, the secondary reference discloses the use of a PCA in the inner or outer area of a disk. The use of separation area having a certain time period is within the standardization of test recording based on the Orange Book as cited on page 5 of the claimed invention.

Claims 23 and 24 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

None of the cited prior art shows or teaches calibrating the laser power in the inner or outer area of a disk based on a count data as claimed.

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Applicant's arguments filed March 10, 2005 have been fully considered but they are not persuasive. Applicant's arguments are center around the prior art not showing the use of a PCA starting out side the starting point of the lead-out area. Such definition is merely present in the reference. The definition as argued by applicant merely read on a calibration area within the lead-in area or the lead-out area of the disk. The prior art discloses the use of a PCA area within the lead-in area; the secondary reference discloses the use of a PCA in the inner or outer area of the disk, which encompass the claimed invention.

Applicant's submission of the requirements for the joint research agreement prior art exclusion under 35 U.S.C. 103(c) on March 10, 2005 prompted the new ground(s) of rejection under 37 CFR 1.109(b) presented in this Office action. Accordingly, THIS ACTION IS MADE FINAL. See MPEP § 706.02(I)(3). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

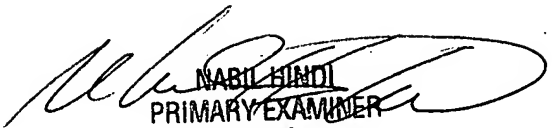
A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

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Any inquiry concerning this communication should be directed to NABIL Z HINDI  
at telephone number (571) 272-7618.

  
NABIL HINDI  
PRIMARY EXAMINER  
GROUP 2500  
2655